

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

MARTIN MARIETTA MATERIALS, INC.,)	
)	
Plaintiff,)	
)	
v.)	No. 06-0697-CV-W-DW
)	
THE CITY OF GREENWOOD, MISSOURI,)	
)	
Defendant.)	

ORDER

On January 22, 2007, this Court entered an Order partially denying and partially granting Defendant's Motions to Dismiss. The Court found that, as the Complaint was currently written, Hunt Martin was a necessary party on every claim except the declaratory judgment claim. Four days later, on January 26, 2007, the Court granted partial summary judgment in favor of Plaintiff on the declaratory judgment claim.

Given the Court's summary judgment ruling, Plaintiff's Motion for Preliminary Injunction is moot and therefore DENIED. If Plaintiff wishes to proceed with the remaining claims, all claims other than the declaratory judgment claim, it must either amend those claims or add Hunt Martin within thirty (30) days of the date of this Order. Defendant has ten (10) days from either the filing of Plaintiff's Amended Complaint or an order ruling on Plaintiff's Motion to Add Hunt Martin to answer.

IT IS SO ORDERED.

Date: January 31, 2007

/s/ DEAN WHIPPLE
Dean Whipple
United States District Judge